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**TRANSMITTAL SHEET**

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Number of pages being sent 5 (including this page)

**DATE:** October 28, 2002

Recipient	Company	Fax No.	Phone No.
1. Examiner Celsa	United States Patent and Trademark office	(703) 746-5007	(703) 305-7556

**FROM:** Sandy Sliger

**DIRECT DIAL:** (617) 248-4806

**REMARKS:** Examiner Celsa: As we discussed on the phone, I have attached a copy of the facsimile as transmitted to the Assistant Commissioner for Patents on 4/26/02. Please let me know if you require anything further. Thank you.

**TIME SENT:** \_\_\_\_\_ **OPERATOR:** \_\_\_\_\_ **CLIENT NO.** 0342941-0043

Return by: Inter-office Mail \_\_\_\_\_ Hold for pick-up \_\_\_\_\_

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Received from <6172484000> at 10/28/02 2:54:13 PM [Eastern Standard Time]

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**2TELECOPY TRANSMITTAL SHEET**Number of pages being sent 3 (including this page)**DATE:** April 26, 2002

Recipient	Company	Fax No.	Phone No.
1. Examiner Celsa, Group 1627	United States Patent and Trademark Office	703-872-9306	

**FROM:** Brenda Herschbach Jarrell, Ph.D.**DIRECT DIAL:** (617) 248-5175**REMARKS:** Please see attached**TIME SENT:** \_\_\_\_\_ **OPERATOR:** \_\_\_\_\_ **CLIENT NO.** 0342941-0043

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ATTORNEY DOCKET NO.: 0342941-0043 (HU01594-99)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jarrell et al.  
Serial No.: 09/478,263  
Filing Date: January 5, 2000  
Title: COMBINATORIAL BIOLOGY

Examiner: Celsa, Bennett  
Art Unit: 1627

Assistant Commissioner of Patents  
Washington, DC 20231

Sir:

CERTIFICATE OF FACSIMILE TRANSMISSION  
PURSUANT TO 1096 OG 30-31  
I hereby certify that this paper is being  
facsimile transmitted to the Assistant  
Commissioner For Patents, Washington,  
DC 20231  
on April 26, 2002  
James M. H.

#15  
Supp  
103002

RESPONSE TO NON-RESPONSIVE LETTER

In reply to the Letter mailed March 28, 2002, Applicant offers the following Remarks:

Applicant respectfully submits that the species election requirement imposed by the Examiner attempts to impose artificial structural limitations on an invention for which the particular chemical structures involved are not relevant. The present claims recite a completely novel approach to synthetic chemistry, utilizing a combination of chemical and biological synthesis steps. The claims do not recite chemical entities. Applicant is therefore at a loss for how best to elect a particular chemical compound as a "species" for each of the final product compounds, starter units, functional handles, template structures, biosynthetic enzymatic machinery systems, and functionalizing, as requested by the Examiner.

Nonetheless, in an effort to assist the Examiner in focussing his initial search, Applicant hereby elects peptide synthetases as a species of biosynthetic enzymatic machinery systems; peptide synthetase substrates (e.g., modified amino acids) as a species of starter unit; polypeptides as a species of template structure; and functionalized polypeptides as a species of structures. The claims that read on the elected species are claims 11-3, 5-12, 16-21.

Applicant respectfully submits that a search of the literature relating to use of peptide synthetase enzymes is not unduly burdensome, and looks forward to the product of the Examiner's analysis.

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USPN 09/478,263  
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Client No. 0342941-0043  
HU01594-99

Please charge any fees that may be associated with this matter, or credit any overpayments, to our Deposit Account No.03-1721.

Respectfully submitted,

Dated: 9/26/2002

  
Brenda Herschbach Jarrell, Ph.D.  
Registration No. 39,223

Attorney for Applicant  
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OCT.28.2002 3:58PM CHOATE HALL & STEWART 248-4000

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P. 1

\* \* \* TRANSMISSION RESULT REPORT ( APR.26.2002 32PM ) \* \* \*

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